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Paper No.

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JAN 18 2007

OFFICE OF PETITIONS

Patent No. 6,848,962 : LETTER REGARDING
Issue Date: February 1, 2005 : PATENT TERM ADJUSTMENT
Application No. 09/940,643 : AND
Filed: August 29, 2001 : NOTICE OF INTENT TO ISSUE
Attorney Docket No. 35.C15729 : CERTIFICATE OF CORRECTION

This letter is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT" filed February 18, 2005. Pursuant to patentees' duty of good faith and candor to the Office, patentees request review of the Patent Term Adjustment for the above-identified patent.

The request for reconsideration of patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of two hundred seventy-two (272) days.

On February 1, 2005, this application matured into U.S. Patent No. 6,848,962, with a revised patent term adjustment of 283 days. Patentees give no basis for their assertion that this patent term adjustment is incorrect.

Nonetheless, a review of the application history confirms that patentees are correct that an additional period of reduction of 11 days is warranted. Pursuant to § 1.704(c)(8), a period of reduction of 11 days should have been entered for applicant delay in filing an Information Disclosure Statement (IDS) on November 18, 2003 after having filed a Request for Continued

Examination (RCE) and submission on November 7, 2003. The IDS was not expressly requested by the examiner. The IDS did not include a § 1.704(d) statement. Accordingly, pursuant to 1.704(c)(8), a reduction of 11 days for the period from November 8, 2003 to November 18, 2003 should have been entered.

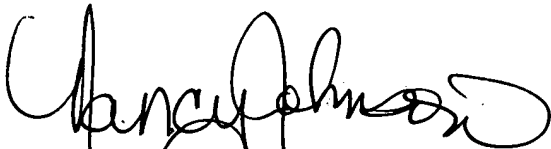
In view thereof, the patent should have issued with a revised patent term adjustment of two hundred seventy-two (272) days.

It is noted that the PALM Intranet record suggests that further IDSs were filed on November 25, 2003 and December 12, 2003. However, a review of the Image File Wrapper (IFW) for this application, which is the Official record of the papers filed in this application, indicates that no such IDSs were filed in this application, as no such papers are present in the IFW record.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **TWO HUNDRED SEVENTY-TWO (272) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,848,962 B2
DATED : February 1, 2005
INVENTOR(S) : Kitamura et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (283) days

Delete the phrase "by 283" and insert – by 272 days--